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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BANK OF AMERICA, N.A., successor by
20 merger TO BAC HOME LOANS
21 SERVICING, LP, FKA COUNTRYWIDE
22 HOME LOANS SERVICING, LP,

23 Plaintiff,

24 vs.

25 SUNSET RIDGE LIMITED HOMEOWNERS
26 ASSOCIATION; SFR INVESTMENTS POOL
27 1, LLC; TERRA WEST COLLECTIONS
28 GROUP, LLC DBA ASSESSMENT
MANAGEMENT SERVICES,

Defendants.

Case No. 2:16-cv-00797-GMN-NJK

**SFR INVESTMENTS POOL 1, LLC'S
DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)**

SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that plaintiff BANK OF AMERICA, N.A., successor by merger to BAC HOME LOANS SERVICING, LP, FKA COUNTRYWIDE HOME LOANS SERVICING, LP, ("BANA" or "Bank"), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank, "security for the costs and charges which may be awarded against such plaintiff may be required by defendant, by the filing and service on plaintiff of a written demand within the time limited for answering the complaint." NRS 18.130(1). When a defendant demands a cost bond, "all proceedings in the action shall be stayed" until plaintiff files "an undertaking, executed by two or

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1 more persons, to the effect that they will pay such costs and charges as may be awarded against
 2 the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with
 3 the clerk of the court." *Id.* "After the lapse of 30 days from the service of notice that security is
 4 required, or of an order for new or additional security, upon proof thereof, and that no undertaking
 5 as required has been filed, the court or judge may order the action to be dismissed." NRS
 6 18.130(4).

7 "It is the policy of the United States District Court for the District of Nevada to enforce
 8 the requirements of NRS 18.130 in diversity actions." *Feagins v. Trump Organization*, 2012 WL
 9 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
 10 *v. St. Mary's Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

11 Here, BANA, a subsidiary of Bank of America Corporation, a Delaware registered
 12 corporation, is not a citizen of Nevada, but rather a national banking association with its
 13 headquarters in North Carolina. Accordingly, SFR demands that the Bank post a \$500 cost bond
 14 within 30 days and that the proceedings be stayed until such cost bond is posted. Should the
 15 Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this
 16 action be dismissed.

17 DATED May 2, 2016.

KIM GILBERT EBRON

18
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29
 30 
 31 United States Magistrate Judge